

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Radiation Protection Air Quality Division

Chemical Accident Prevention Program (LAC 33:III.Chapter 59) (AQ126F)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.Chapter 59 (AQ126F).

The existing regulation defines, for a major stationary source ("A1" sources and "A2" sources in the Compliance Data System [CDS] maintained by the Air Quality Division of DEQ), the "threshold quantity" of a regulated substance that must be present at a facility for that facility to be subject to this rule. Under the existing rule only registration is required. This rule repeals the following sections in their entirety LAC 33:III.5905, 5909, 5915, 5917, 5919, 5921, 5923, 5925, 5927, 5929, 5931, 5933, 5935, 5937, 5939, 5941, 5943.

The proposed rule is identical to the federal rule. It defines what regulated facilities must do to minimize the risks associated with that facility. The regulations for the three program levels vary in amount and complexity for compliance with the program. The program levels are set up in such a way as to target those facilities that are most prone to accidents, as determined through research conducted by EPA. This action is required by R.S. 30:2054 and 30:2063.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 59. Chemical Accident Prevention Program

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68 (July 1, 1995), as amended in 61 CFR 31668–31730 (June 20, 1996) and in 61 CFR 31730–31732 (June 20, 1996).

B. The volumes containing those federal regulations listed in Subsection A of this Section may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

C. Modifications or Exceptions. The following modifications or exceptions are made to the incorporated federal standards:

1. In 40 CFR 68.3 Definitions:

a. *Act* either the Clean Air Act as amended (42 U.S.C. 7401 et seq.) or the Louisiana Environmental Quality Act, Subtitle II of Title 30.

b. *Administrator* or *Regional Administrator* the administrator of the United States Environmental Protection Agency or his authorized representative.

c. *Implementing Agency* Louisiana Department of Environmental Quality.

2. United States Environmental Protection Agency Environmental Protection Agency, or EPA shall mean United States Environmental Protection Agency, except that it mean Louisiana Department of Environmental Quality CFR 68.150(a), 68.190(a), and 68.190(c).

3. In 40 CFR 68.10(a)(2) and 40 CFR 68.190(b)(2) requirement is modified to read, "Three years after the on which a new regulated substance is first listed by under 40 CFR 68.130, provided that the department have adopted the addition of the new substance to 4 68.130 by three years after the date of the new EPA list

4. In 40 CFR 68.210, the availability of information the public shall be ensured by the Louisiana Public Records Act, R.S. 44:1 et seq., except as otherwise decided confidential pursuant to R.S. 30:3020.

5. In 40 CFR 68.215, the air permitting authority refer to Louisiana Department of Environmental Quality permitting authority in LAC 33:III.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended 22:

§5903. Definitions

The terms in this Chapter are used as defined in 33:III.111 except those terms specifically defined in applicable subchapter or defined herein as follows:

[Editor's Note: All definitions in this Section are hereby repealed, except for the definition of *Major Stationary Source* as it currently exists.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended 22:

The following sections are hereby repealed in their entirety: LAC 33:III.5905, 5909, 5915, 5917, 5919, 5921, 5925, 5927, 5929, 5931, 5933, 5935, 5937, 5939, 5941,

A public hearing will be held on August 29, 1996, at 4 p.m. in the Maynard Ketcham Building, Room 326, Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ126F. Comments should be submitted no later than September 1, 1996, at 4:30 p.m., to Patsy Deaville, Investigations Regulation Development Division, Box 82282, Baton Rouge, LA 70810 or to FAX (504) 765-0486.

Gus Von Bodungen
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Chemical Accident Prevention Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are additional costs anticipated by this revision to the original chemical accident prevention rule promulgated in April 1994. It is anticipated that these revisions to the existing chemical accident prevention rule will cost LDEQ \$0 in FY 96-97; \$591,050 in FY 97-98; and \$522,708 in FY 98-99. LDEQ will be proposing fee legislation to fund the program in FY 97-98, which if adopted will be sufficient to cover the additional costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule has provisions for exempting gasoline and naturally occurring hydrocarbon under certain conditions. Because of these provisions an estimated 150 oil and gas facilities that had previously registered with DEQ will no longer be regulated by the Chemical Accident Prevention program. This will result in a net decrease in revenues of approximately \$23,250 for FY 96-97. LDEQ will be proposing fee legislation to cover additional funding for the program starting in FY 97-98, which if adopted will be sufficient to cover the additional costs.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The impact will be felt by stationary sources that have regulated substances over the threshold quantity in a process.

The facilities will determine their program level based on the type of regulated process and their potential for off-site impact. They will also have to do a Risk Management Plan and the complexity of the plan will be determined by the program level of the facility.

The requirements of the prevention program is designed to reduce the number and severity of accidents. The Risk Management Plan and required training with local emergency response committees is designed to minimize the effect of any release of regulated substances.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no significant impact expected on competition or employment with the promulgation of this proposed rule.

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